

Should power over nuisance properties be expanded?

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In a nutshell

Problem tenants can be a headache for landlords, but landlords who don't rein in or evict bad tenants can be an even bigger problem for municipalities.

Cities in Wisconsin with more than 39,000 people have an additional tool in dealing with those nuisance properties. Cities may ask a judge to appoint a receiver, which can take possession of the property, charge and collect rents and abate the nuisance.

Smaller cities, villages and towns aren't authorized by state law to do the same. Instead, they have to rely on writing tickets and using liens to corral problem landlords.

"We have some tools, but by all accounts they're fairly weak," said Fitchburg Mayor Jay Allen, who has asked the Legislature to expand the receivership power to all municipalities.

The case for it

As Madison has revitalized neighborhoods such as Allied Drive along its southern border, many of the problem tenants have been displaced into Fitchburg, Allen said.

If the city had the ability to seize chronic nuisance properties, it could send a stronger message to landlords that they need to keep problem tenants under control, he said.

"It doesn't get used that often because the threat of it is enough to get the landlord to shape up," Allen said. "The landlord is still under the financial obligation to pay the mortgage."

The case against it

No groups have registered in opposition to the proposal, but Joe Murray, political affairs director for the Wisconsin Realtors Association, said any proposal that would expand the government's authority to seize private property should be monitored closely.

On the other hand, Murray said, because the receivership option already exists in larger cities, it makes sense to extend it to all municipalities. But using the authority should be rare.

"It could be a hopelessly insolvable drug house and there's really no bringing it back," Murray said. "There are circumstances where it's a perfectly acceptable alternative, but a last alternative."

To get involved

Senate Bill 413 was introduced by Sen. Jon Erpenbach, D-Waunakee, and its companion bill in the Assembly, AB 490, was introduced by Rep. Terese Berceau, D-Madison. A public hearing on the Senate bill is being scheduled for 10 a.m. on Thursday at the Capitol, Room 411 South.

To contact your lawmaker to oppose or support the bill, use the legislative hot line, which is staffed from 8:15 a.m. to 4:45 p.m. weekdays; call 800-362-9472 or 608-266-9960. To send an e-mail, log on to the Legislature's Web page at www.legis.state.wi.us, select Senate and follow the link.

— Matthew DeFour